

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
KIRSTEN ANDERSON,

06 Civ. 13371 (PKL) (DF)

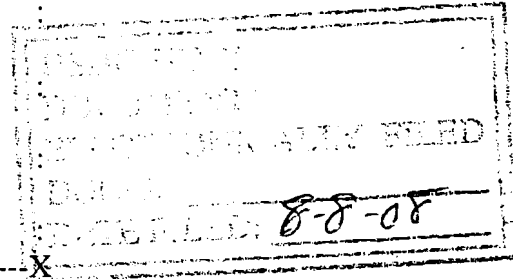
Plaintiff,

:(
(consolidated cases)

-against-

GREYHOUND LINES, INC., et al.,

Defendants.
-----X



DEBRA FREEMAN, United States Magistrate Judge:

The Court having held a conference on August 7, 2008, with counsel for all parties in these consolidated actions;¹ it is hereby ORDERED, as stated on the record at that conference, that:

1. With respect to the dispute among defendants regarding the scope of an appropriate Confidentiality Order in this case, no later than August 15, 2008, defendant The Goodyear Rubber and Tire Company ("Goodyear") shall submit to the Court a memorandum of law (which may be in the form of a letter brief) setting out authority for its position that any confidential materials produced by defendants or third-party defendants should not be disclosed to the insurance carriers or insurance plan administrators of co-defendants. With respect to all other issues concerning the terms of an appropriate Confidentiality Order, the parties are directed to confer in good faith, and to raise additional issues with the Court only if they are unable to reach an agreement after their good faith conference.

¹ Counsel for certain plaintiffs did not appear at the conference, but apparently authorized counsel for other plaintiffs to appear and speak for them.

2. No later than September 8, 2008, all parties shall serve initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1), to the extent they have not already done so.

3. No later than September 30, 2008, all parties shall serve their first sets of document requests and interrogatories, which may exceed the scope permitted by Local Civil Rule 33.3(a). Plaintiffs are encouraged to serve joint document requests and interrogatories.

4. For any parties interested in an early inspection of the bus involved in the accident that is the subject of this litigation, defendant Greyhound Lines, Inc. ("Greyhound") shall make the bus available for inspection in September and/or October 2008, on a date or dates to be agreed by all interested parties. As discussed on the record during the August 7, 2008 conference, counsel are directed to work together cooperatively to minimize the need for Greyhound to keep the bus available in an accessible location for longer than necessary and to bear the associated costs. Greyhound shall permit other parties to conduct their inspection of the bus outside the presence of Greyhound's counsel and experts, except that Greyhound may take reasonable steps to ensure that no damage is done to the bus or its systems during any inspection. For those parties interested in inspecting the bus on a date later in the discovery process, Greyhound shall make the bus available for inspection on a second date or dates to be scheduled in the future, after discussion with those parties.

5. With respect to any requested inspections of the "black box" that was recovered from the bus after the accident, and which purportedly contains data concerning how various systems of the bus were operating at the time of the accident, counsel are directed to work cooperatively to schedule such inspections. Any parties that, through any means, including through technology supplied by their experts, are able to obtain raw data from the "black box" are directed to share that data with all other parties to these actions, so as to ensure that all

parties have access to the same fact evidence regarding the operation and condition of the bus. If desired, Greyhound's counsel may be present during any inspection of the "black box."

6. All counsel shall appear before the Court for a case management conference on November 19, 2008, at 10:00 a.m., in Courtroom 17A, at the U.S. Courthouse, 500 Pearl Street, New York, New York. Counsel located outside the tri-state area may appear by telephone, with advance notice to my chambers.

7. At the November 19, 2008 conference, counsel are directed to be prepared to discuss the status of discovery; the time frame in which fact discovery, including depositions, can likely be completed; and the potential for the settlement of these actions.

Dated: New York, New York
August 8, 2008

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)